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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-200285/B-200857

DATE: July 1, 1981

MATTER OF: Staff Sergeant William H. Fedderman, USMC,
and Ensign Rita V. Espiritu, USNR

- DIGEST:**
1. A member of the uniformed service is detached from his permanent duty station upon being assigned to temporary duty and the new permanent duty station is not designated until the end of temporary duty assignment. Member may be authorized travel at Government expense from the temporary duty station to the old duty station for the purpose of arranging for relocation of dependents and personal effects resulting from the permanent change of station and then travel to the new permanent duty station. The date of the detachment from the old permanent duty station does not affect this entitlement.
 2. A member of the uniformed services may be paid for travel from his temporary duty station to his old permanent duty station when permanent change of station follows a period of duty at a temporary duty station, but such payments may be made only if the Joint Travel Regulations are amended to authorize travel in such circumstances and only if authorization of return to old permanent station is based on the need to arrange transportation of dependents, household or personal effects or a privately owned conveyance and may not be authorized for purely personal reasons such as a visit or vacation.

These cases involve a [military member's entitlement to permanent change of station allowances] under paragraph M4156, Case 3, Volume 1, Joint Travel Regulations (1 JTR). The question is whether travel may be allowed to the old duty station from a temporary duty location where the member is when he is advised of the location of his new permanent station and thence to the new duty station. Members may be authorized travel allowances prescribed in M4156, Case 3, 1 JTR, in such circumstances if return to the

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former duty station is required for moving the members' dependents and effects to the new permanent duty station.

The case of Staff Sergeant William H. Fedderman, USMC, was submitted by the Disbursing Officer, Marine Corps Finance Center, Kansas City, Missouri, requesting an advance decision. The matter was forwarded here through the Per Diem, Travel and Transportation Allowance Committee and assigned PDTATAC Control No. 80-30. The case of Ensign Rita V. Espiritu, USNR, was submitted by the Chief of Naval Operations to the Per Diem, Travel and Transportation Allowance Committee with the request that it be considered with Sergeant Fedderman's case. Accordingly, Ensign Espiritu's case was also forwarded here by the Per Diem, Travel and Transportation Allowance Committee.

Staff Sergeant William A. Fedderman, while stationed at Camp Lejeune, North Carolina, was detached from that station without designation of a new permanent duty station and assigned to temporary duty for instruction at the Recruiters School, Marine Corps Recruit Depot, San Diego, California. He reported for temporary duty in San Diego on April 16, 1980. On May 20, 1980, the Headquarters Marine Corps sent a letter to Marine Corps Recruit Depot, San Diego, in which it was asserted that certain Marine Corps members detailed to that command for temporary duty without ultimate duty station assignment were not being afforded their complete travel entitlements in accordance with paragraph M4156, 1 JTR, upon permanent duty station assignments at graduation. That is, they were not being afforded allowances for travel from the temporary duty station to the old permanent duty station and then to the new permanent duty station. Based upon the May 20, 1980 letter the Commander of the Marine Corps Recruit Depot modified Sergeant Fedderman's orders authorizing him to return from his temporary duty point in San Diego to his old permanent duty station at Camp Lejeune, North Carolina, and then on to his permanent duty station in Mt. Clemens, Michigan.

The Marine Corps Finance Center questioned the interpretation given to paragraph M4156, Case 3, by Marine Corps Headquarters. It is the contention of that office that paragraph M4156, Case 3, applies only to situations in which the member is not detached from his old permanent

duty station and, at the time temporary duty orders were issued, it was fully intended that the member would return to his old duty station upon completion of temporary duty.

Ensign Rita V. Espiritu was apparently enlisted in the Navy for purposes of attending Officer Candidate School. Her permanent station was designated as Pearl Harbor, Hawaii, and she was ordered to travel from Hawaii to Newport, Rhode Island, for 16 weeks' temporary duty for instruction at the Officer Candidate School, and for further assignment. Her next permanent duty station was not assigned at the time the order was issued. Upon completion of training Ensign Espiritu was directed to report to the Chief of Naval Operations, Washington, D.C., for duty. By orders dated June 18, 1980, her original orders were endorsed to permit her to travel from Newport, Rhode Island, to Washington, D.C., via the old permanent duty station in Hawaii under the provisions of paragraph M4156, Case 3, 1 JTR. It was later determined by the Navy that paragraph M4156, Case 3, was not applicable in connection with her orders, inasmuch as she was not notified that her permanent duty station would be changed while she was on temporary duty. As a result Ensign Espiritu was charged for excess transportation furnished resulting in an amount due the United States of \$537.42. Leave and traveltime adjustments were also made.

Paragraph M4156, Case 3, of 1 JTR, provides in pertinent part that:

"A member who receives orders while on temporary duty directing a permanent change of station may be authorized permanent change-of-station allowances from the temporary duty station to the old permanent duty station and then to the new permanent duty station via any temporary duty station(s).

* * * * *

Travel allowances prescribed by this case may be authorized or approved by the permanent change-of-station order-issuing authority or other official designated by

the Service concerned only when the member must travel to the old permanent duty station to arrange for movement of dependents, to arrange for shipment of household goods, to pick up personal possessions, or to bring his privately owned conveyance to the new permanent duty station."

This regulation, effective August 22, 1978, resulted from our decision 57 Comp. Gen. 198 (1977).

We stated in 57 Comp. Gen. 198 that the Government has an obligation to defray the cost of travel and transportation for members of the uniformed services where the travel is performed as a direct result of a change of a member's permanent duty station. Where a member is ordered on temporary duty away from his permanent station, or is assigned to a vessel deployed away from the home port, such assignment is for the purpose of carrying out the Government's business and the member generally has no choice about the assignment or deployment of the vessel. Therefore, if the member should receive orders for permanent duty at the temporary duty station or the vessel is assigned to a new home port while so assigned or deployed, the member may be reimbursed round-trip travel to the old permanent station or old home port for the purpose of arranging for relocation of his family and effects to the new permanent duty station. The rationale for the travel and transportation entitlements is that member should not be required to expend personal funds for travel and transportation which results from a permanent change of station.

It is considered that the same rule may be applied in cases such as the present cases. The fact that the members knew when they left their permanent station on temporary assignments that they would not return but would be assigned to other permanent duty stations immediately after completing the temporary duty would not necessarily alleviate the problem involved. A new permanent duty station is not designated when the member leaves on temporary duty and the dependents are not permitted to travel at Government expense on the member's temporary duty orders; therefore, they must wait to move from the old duty station until after the member has departed on temporary duty. In such circumstances orders may be issued authorizing travel, which would be reimbursable under paragraph M4156, Case 3, from the

temporary duty station to the old permanent duty station for the purpose of arranging for relocation of the family and effects resulting from the permanent change of station and then to the new permanent station. The rationale for the travel in this instance is the same as stated in 57 Comp. Gen. 198, supra.

There should be no legal distinction made with regard to permanent change-of-station entitlements where the member is advised that he will not return to the old duty station while on temporary duty and where the member is so advised prior to departing the old duty station for a temporary duty assignment. If the order issuing authority determines that the member must return to his permanent duty station to ship household effects, arrange for dependent travel, pick up personal possessions or pick up a privately owned conveyance, such travel is authorized at Government expense under paragraph M4156, Case 3. However, such travel at Government expense is only authorized for the specified purposes and not merely for a return visit or vacation at the previous duty station. Determinations as to the necessity for such travel are primarily a matter for the appropriate service authorities.

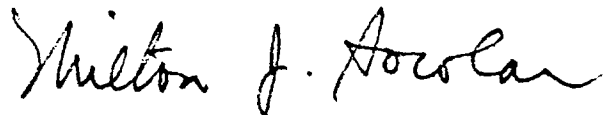
Accordingly, the travel entitlement of Sergeant Fedderman and Ensign Espiritu in the circumstances described may be covered by paragraph M4156, Case 3, 1 JTR, provided the return travel was performed for the purposes set out in that provision. If that is the case, Sergeant Fedderman is entitled to return transportation to the old duty station at Camp LeJeune upon completion of the temporary duty in San Diego and then is entitled to transportation at Government expense for himself and his family from the old duty station to the new duty station in Mt. Clemens, Michigan. Per diem may also be authorized for the period of his travel to the old permanent station and then to the new permanent station.

If Ensign Espiritu is determined to have returned for the reasons set out above, she is entitled to return transportation from the temporary duty station, Newport, Rhode Island, to her old duty station at Pearl Harbor, Hawaii, and from the old duty station to Washington, D.C. Ensign Espiritu may also be authorized per diem for the period of her travel to the old duty station and then to the new permanent station.

In order to consider fully the questions raised by the submission, we must consider the case of a member who is ordered on temporary duty en route to a new permanent duty station which has been designated prior to the member's departure on temporary duty. Even in that situation it may be that a member would have difficulty getting his dependents and effects to the new permanent duty station if he or she was not allowed to return to the old permanent station to assist. This situation could certainly arise with respect to single members. We have held that a member should not be required to pay the cost of returning from a temporary duty location to his or her former permanent duty station when the return is necessary to assist in the transportation of dependents and property. If, because of the facts involved, the member must return from the temporary duty station to the old duty station for such reasons, the cost should be paid by the Government even though the location of the new permanent duty station was known at the time of departure from temporary duty.

Therefore, regulations may be issued under which a member may be permitted to return to his old permanent duty station at Government expense if such travel is necessary for the shipment of household effects, for arranging dependents' transportation, to pick up personal effects or a privately owned conveyance, in any case when a transfer of permanent station follows immediately after duty at a temporary duty station. As in the situations where such travel is now authorized by paragraph M4156, Case 3, and this decision, care should be taken to permit such travel only when required for the stated reasons and not when the purpose is purely personal such as for a visit or vacation.

However, since such travel is not authorized under current regulations, payments for travel back to the old permanent station in those circumstances may be made only if authorized in an amendment to the Joint Travel Regulations.



Acting Comptroller General
of the United States